

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4875 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MANAGER TAKHATGADH MANGAL BHAVAN TRUST

Versus

REGIONAL PROVIDENT FUND COMMISSIONER.

Appearance:

MR KV GADHIA for Petitioner

MR JD AJMERA for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 24/10/97

ORAL JUDGEMENT

1. Challenge has been made by the petitioner in this special civil application to the order of the respondent passed under section 7-A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

2. Against this order now the petitioner has a statutory remedy of appeal under section 7-I of the aforesaid Act and as such this special civil application

is now not maintainable.

3. The special civil application is dismissed only on the ground of availability of alternate remedy to the petitioner in the matter. However, in case the petitioner prefers an appeal against the impugned order to the Tribunal within a period of one month from today the same shall not be dismissed on the ground of limitation and be decided on merits. Interim relief which has been granted by this Court shall continue for six weeks and thereafter the Tribunal shall consider the question of extension or continuation of the interim relief in accordance with law. While doing so it shall not be influenced by the fact that this Court has granted the interim relief in favour of the petitioner. Rule discharged subject to the aforesaid directions.

zgs/-